

REMARKS

This application has been carefully reviewed in light of the final Office Action dated November 30, 2011. Claims 66, 68, and 70-87 are pending in this application, of which Claims 66, 84, and 85 are the independent claims. No claim amendment is made, and no new claims are added herein. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 66, 68, 70, 72-74, 77-82, 84, and 85 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,244,957 (“Walker”) in view of U.S. Patent No. 6,145,083 (“Shaffer”) and further in view of U.S. Pat. Appln. Pub. No. 2005/0080915 (“Shoemaker”). Claims 71 and 76 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of Shoemaker and further in view of U.S. Patent No. 6,854,009 (“Hughes”). Claim 75 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of Shoemaker, and further in view of U.S. Patent No. 6,876,644 (“Hsu”). Claims 83 and 86 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of Shoemaker, and further in view of U.S. Patent No. 7,089,508 (“Wright”). Claim 87 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of Shoemaker, and further in view of U.S. Patent No. 7,219,233 (“Hendriks”). Applicants respectfully traverse these rejections.

Each of the independent claims recites a “computing device [that] is configured to facilitate communication of [a] communications session using a first communication channel, and [that] is configured to facilitate communication of [a] lock session signal, [an] unlock session signal, and [] identification information using a second communication channel, and

wherein communications occurring through the first communication channel are suspended when the communications session is locked.” It is respectfully submitted that the applied references, whether alone or in combination, in view of what was known to one of ordinary skill in the art at the time the invention was made, do not teach or suggest at least these limitations of the independent claims.

With reference to the above-identified limitation of the independent claims, the Office Action contends that Walker teaches a lock session signal and an unlock session signal, that Shoemaker discloses the first and second communication communications channels, and that the combination of these two applied references would be obvious to a person of ordinary skill in the art. *See* Office Action, p.7, 27. Specifically, the Office Action states that:

[T]he applicants argue that the cited reference of Shoemaker et al. does not teach or suggest “using a second communication channel to communicate a lock session signal to lock a first communication channel”, as featured in each of the pending independent claims. The examiner respectfully disagrees with this argument. Fig. 1B in Shoemaker et al. clearly shows two separate channels 208 [a high-bandwidth first media channel that carries multimedia content] and 210 [a lower bandwidth second UI channel that carries client 213 requests and server 201 responses for facilitating client/server communication across the network 21 11 in use. The Shoemaker et al. reference was specifically included by the examiner to teach use of two separate channels, one for multimedia transmission and the other for low-bandwidth request/response commands. As to the applicants’ argument that Shoemaker et al. do not teach a lock session signal to lock a first communication channel, or an unlock session signal to release the first communication channel, the examiner’s response is that the primary cited reference of Walker et al. already teaches these claim elements. It is not necessary for the secondary cited reference of Shoemaker et al. to repeat the same teachings, Since Shoemaker et al. was specifically added to teach two separate communication channels, which it very clearly shows in Fig. 1B and discloses in paragraphs 0008 and 0087.

Office Action, p.27. Applicants respectfully disagree with the Examiner. None of the applied references teaches using a lock session signal on one communication channel to lock another communication channel.

Specifically, assuming, *arguendo*, that Walker discloses suspending communications occurring through a communication channel, which Applicants do not concede, and assuming, *arguendo*, that Shoemaker discloses a first communications channel and a second communications channel, which Applicants also do not concede, then the combination of Shoemaker with Walker, with or without Shaffer (that was cited as allegedly teaching a detection of a user departure), would still not teach or suggest a “computing device [that] is configured to facilitate communication of [a] communications session using a first communication channel, and [that] is configured to facilitate communication of [a] lock session signal, [an] unlock session signal, and [] identification information using a second communication channel, and wherein communications occurring through the first communication channel are suspended when the communications session is locked,” because none of the applied references teaches or suggests using a second communication channel to communicate a lock session signal to lock a first communication channel. In other words, none of the applied references teaches using a lock session signal on one communication channel to lock a different communication channel.

It is readily apparent that the Examiner’s conclusory statements reproduced above are based on impermissible hindsight reasoning in view of Applicants’ disclosure. The Examiner’s combination of Shoemaker with Walker to teach a “computing device [that] is configured to facilitate communication of [a] communications session using a first communication channel, and [that] is configured to facilitate communication of [a] lock session signal, [an] unlock session signal, and [] identification information using a second communication channel, and wherein communications occurring through the first communication channel are suspended when the communications session is locked,” is a result of inappropriate hindsight reasoning.

“The references themselves, not the invention itself, must provide some teaching whereby the applicant’s combination would have been obvious.” *In re Gorman*, 933 F.2d 982 (Fed. Cir. 1991) (emphasis added); *Heidelberger Druckmaschinen AG v Hantscho Commercial Products, Inc.*, 21 F.3d 1068 (Fed. Cir. 1993). “Obviousness can not be established by hindsight combination to produce the claimed invention . . . [I]t is the prior art itself, and not the applicant’s achievement, that must establish the obviousness of the combination.” *In re Dance*, 160 F.3d 1339 (Fed. Cir. 1998). The only teaching or suggestion of “facilitat[ing] communication of [a] communications session using a first communication channel, and . . . facilitat[ing] communication of [a] lock session signal, [an] unlock session signal, and [] identification information using a second communication channel, . . . wherein communications occurring through the first communication channel are suspended when the communications session is locked,” comes from the subject application. The Office Action merely cited Walker and Shoemaker for their individual teachings, but failed to disclose where, if anywhere, the applied references teach using a lock session signal on one communication channel to lock another communication channel. Furthermore, the Office Action used improper hindsight bias to combine the applied references without providing any basis for combination, and consequently, the Office Action does not establish *prima facie* obviousness.

The remaining references, Hughes, Hsu, Wright, and Hendriks, are not understood to remedy the foregoing deficiencies of Walker, Shaffer, and Shoemaker. Specifically, the remaining references, whether alone or in combination, in view of what was known to one of ordinary skill in the art at the time the invention was made, do not teach or suggest at least the limitations of a “computing device [that] is configured to facilitate communication of [a] communications session using a first communication channel, and [that] is configured to

facilitate communication of [a] lock session signal, [an] unlock session signal, and [] identification information using a second communication channel, and wherein communications occurring through the first communication channel are suspended when the communications session is locked,” recited in each of the independent claims.

Accordingly, the applied references, either alone or in combination, in view of what was known to one of ordinary skill in the art at the time the invention was made, are not understood to disclose, teach, or suggest the features of the independent claims, which are believed to be in condition for allowance. Reconsideration and withdrawal of the rejection of the independent claims are respectfully requested.

The other claims currently under consideration in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least similar reasons. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested. Reconsideration and withdrawal of the rejections of the dependent claims are respectfully requested.

The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be other reasons for patentability of any or all claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede, or an actual concession of, any issue with regard to any claim, or any cited art, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

CONCLUSION

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience. Should the Examiner have any questions, please call the undersigned at the phone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,
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